

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Vishal Khatri on 6/12/2008.

The application has been amended as follows:

Claim 1 has been re-written as follows:

1. A device for providing treatment of an auditory system disorder comprising:  
a computer readable medium storing a treatment signal;  
an output for outputting the signal for treating the auditory system disorder;  
a processor configured to reset the volume of the treatment signal to a minimum non-zero value and below a volume for intermittently or fully masking the auditory system disorder between each treatment session; and  
a volume adjusting feature that is configured to allow the patient to adjust the volume of the treatment signal at the beginning of each treatment session to intermittently or fully mask the auditory system disorder.

Claim 27 has been re-written as follows:

27. A device for providing treatment of tinnitus comprising:  
a signal filtering means configured to generate a treatment signal with peaks and troughs by spectrally modifying at least a portion of an input signal to account for the basic audiometric configuration of a person;  
an output for outputting the signal for treating the tinnitus;  
a processor configured to reset the volume of the treatment signal to a minimum non-zero value and below a volume for intermittently or fully masking the tinnitus between each treatment session; and  
a volume adjusting feature that is configured to allow the patient to adjust the volume of the treatment signal at the beginning of each treatment session to intermittently or fully mask the tinnitus.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest a processor configured to reset the volume of the treatment signal to a minimum non-zero value and below a volume for intermittently or fully masking the tinnitus between each treatment session as set forth in claims 1 and 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Gilbert whose telephone number is 571-272-4725. The examiner can normally be reached on Monday-Friday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel G. Gilbert/  
Primary Examiner, Art Unit 3735